

**THE COMMON COUNCIL OF THE CITY OF NEW ALBANY,
INDIANA HELD A MEETING IN THE CITY/COUNTY BUILDING
ON THURSDAY, AUGUST 7, 2006.**

The meeting of the **New Albany City Council** was called to order by President Jeff Gahan at 7:30pm. The meeting opened with the Lord's Prayer and the Pledge of Allegiance.

MEMBERS PRESENT: Council Members Mr. Coffey, Mr. Schmidt, Mr. Price, Mr. Kochert, Mrs. Crump, Mr. Blevins, Mr. Messer, Mr. Seabrook, and President Jeff Gahan.

OTHERS: City Attorney Shane Gibson and City Clerk Marcey Wisman.

ALSO: John Rosenbarger, Adam Dickey, Scott Wood, Planning and Zoning, Brian Dixon, EMC, Paul Wheatley, Economic Development Director, Tony Toran, Director of City Operations and Mayor James E. Garner, Sr.

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Coffey moved to approve the minutes of July 20, Mr. Price second, all voted in favor.

COMMUNICATIONS – PUBLIC:

Lloyd Wimp, 1834 E. spring, spoke in support of the sewer plan increase. He stated that it looks like a good program and he doesn't believe that the small amounts of money that will be coming in are not enough to cover. He stated that he doesn't want the federal government coming in and setting the rate.

Shirley Baird, spoke in favor of R-06-07 to put \$65,000 in the demolition fund for dilapidated houses. She stated that she understands that the houses that have been torn down we have not been repaid for their demolition and she is not sure why we are not putting liens against these properties and sell the lots.

John Kraft, Young, Lind Endres and Kraft, spoke on the Sprigler request for a PUD. He reminded the council that Mr. Rosenbarger at the last meeting informed them that this passed the Plan Commissioner unanimously with a full vote from the commission. He gave a brief plan for the building that would take place. He presented an aerial photo of the area where they will be building showing that the main usage is institutional. He asked that they look over this and give them the second and third reading

Keith Foster, 307 Ellen Court, spoke in opposition of the medical building proposed for Green Valley Road. He opposes the building because of the increased traffic and stated that we need to keep in mind that there is a school and children present in the area. He asked them to take into account the citizens who have made a commitment to the city and have been loyal tax payers for the past 40 years and not vote for this PUD.

Valla Ann Bolovshak, 600 E. Main Street, stated that while they are thinking about increasing the sewer rates that they should know that the audits show that close to \$4M have not be sought in delinquent bills. She went over several quotes from sewer board minutes regarding different issues of delinquent bills not being pursued, and several other issues

Warren Nash, 201 Ellen Court, spoke against Z-06-18 for the Sprigler PUD. He went over issues that were not mentioned to council such as the fact that this building will be opened on Sunday.

James Wiggins, addressed the board on the same issue of the take home cars. He became hostile and was asked to leave the meeting.

COMMUNICATIONS – CITY OFFICIALS:

Kay Garry addressed the issue of the \$65,000 proposed to be put in the demolition fund from the River Boat Fund. She explained that \$56,000 of this money would have to be used to bring that fund out of the red and that they could leave the money in the River Boat Fund and use the whole amount for demolition of houses.

There was a lengthy discussion regarding how the city can collect on properties that they have demolished.

Mr. Rosenbarger addressed the board regarding the Z-06-19 and recommended its passing.

Mr. Kochert asked that the report from EMC be made a part of the record answering the questions that was posed by Ms. Bolovshak at the previous council meeting. Said report is attached herewith.

There was a lengthy discussion regarding the answers and whether or not they were completely correct and fully answered.

Mr. Coffey voiced concern over several of the answers including the fact that there is still sewage being pumped into John Kraft Park.

Mr. Schmidt passed out a memo that shows that the Department of Local Government Finance reports they sent the City \$2,589,871 for EDIT. He explained how he believes EDIT monies could be used to lower the needed sewer rate increase. Said memo is on file with the city clerk's office.

Mr. Seabrook stated that there are some numbers that Mr. Utz put together that he has passed around that could also help to keep the sewer rate increase down.

COMMUNICATIONS – MAYOR:

APPOINTMENTS:

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES AND RESOLUTIONS:

Mr. Blevins made a motion to suspend the rules to amend the agenda, Mr. Seabrook second all voted in favor.

Mr. Messer made a motion to move Z-06-18 and Z-06-19 forward on the agenda, Mr. Coffey second, all voted in favor

Z-06-19 An Ordinance for the vacation of a Public Way
Pursuant to a Petition filed by John B. Shine and
Samtec, Inc., by Michael F. Ward, Attorney at
Law

Mr. Blevins introduced Z-06-19 and motioned for the first reading by title only, Mr. Kochert second, all voted in favor.

Z-06-18 Ordinance Amending the Code of Ordinances of
New Albany, IN Title XV, Chapter 156, (Docket
P-11-06: Sprigler Development Co., Inc.)

Mrs. Crump introduced Z-06-18 and motioned for the second and third readings by title only, Mr. Messer second,

Mr. Coffey asked if this is going to be a strip mall because there are different businesses and Sunday hours.

Mr. Kraft explained that there are stipulations set by the Plan Commission pertaining to the hours of operation for this building.

Mr. Wood informed the council of the stipulated weekend hours which included Sunday from 10:00 a.m. to 6:00 p.m.

There was a lengthy discussion regarding the Sunday Church traffic in the area and how this will affect the everyday traffic and zoning of the area.

Mr. Blevins asked why there is so much opposition to this project but there isn't as much opposition to projects in other people's areas.

There was a lengthy discussion regarding the proposed project and the history of development in New Albany.

The bill passed with Mrs. Crump, Mr. Blevins, Mr. Messer, Mr. Seabrook and Mr. Gahan voting aye; and Mr. Coffey, Mr. Schmidt, Mr. Price and Mr. Kochert voting nay. Bill Z-06-18 became Ordinance Z-06-26.

R-06-25 Additional Appropriation Resolution

Mr. Price introduced R-06-25 and motioned for the reading by title only, Mr. Coffey second,

Bill Koehler explained that they had a truck that was involved in a small fender bender and the resolution is merely to put the insurance check into the fund to fix the truck.

all voted in favor by show of hands.

R-06-26 Additional appropriation Resolution

Mr. Coffey introduced R-06-26 and motioned for the reading by title only, Mrs. Crump second, all voted in favor by show of hands.

R-06-27 City of New Albany Resolution R-06-27

Mr. Schmidt stated that he would like to amend R-06-27.

Mr. Seabrook asked if he would like to bring it back after making the changes to leave the money in the River Boat fund.

Mr. Schmidt tabled this resolution in order to make necessary changes.

A-06-04 An Ordinance Amending Ordinance No. A-05-46
Setting Salaries for the Year 2006 for Non-
Bargaining Unit Employees

Mr. Messer introduced A-06-04 and motioned for the first reading by title only, Mr. Coffey second, all voted in favor.

G-06-12 An Ordinance Amending Ordinance No. G-02-13
Establishing Rates and Charges for the Sewage Works
Of the City of New Albany

Mr. Kochert introduced G-06-12 and motioned for the first reading by title only, Mrs. Crump second,

Mr. Fifer addressed the board and introduced the associates from Umbaugh and Mr. Buddy Downs from Ice Miller. He also discussed a letter from SRF that states that if this does not pass that SRF will be requesting the information proving that the city is in compliance with the Bond Agreement. He asked that they pass it on a first reading and that he would be willing to have meetings every night for the rest of the month to get this worked out to their satisfaction.

Mr. Gahan asked about the bond payment. He stated that in the Melhiser report they show a bond payment of \$4.5 M but in the SRF Letter it only shows a \$2,149,491.58 and he wondered why there was such a difference.

Mr. Fifer explained that the \$4.5M is the amount of the payment of several bonds that are due at that time and the \$2,149,491.58 is just what is due to SRF.

There was a lengthy discussion regarding the outstanding bonds and when they are due.

Mrs. Crump stated that she didn't feel comfortable passing something over a three year period because they might not even be here then. She asked what was the necessary amount needed to secure the sewer utility.

Mr. Fifer said that if we just voted for the necessary rate it would be a 14% increase.

There was a lengthy discussion regarding the increased rate and what has been done in the past for the sewer utility and the amount of money that has come out of the sewer utility that needs to be paid back.

Doug Baldassari and Buddy Downs gave a lengthy presentation regarding the bonds and how they were set up and the city's obligation. Said presentation is on file with the City Clerk's office.

The council discussed other monies that they felt could be used to lower the rate and asked that they bring back a proposal using these monies. Several members of the council stated that they would vote for this bill this evening only to keep it alive for amendments prior to the second and third reading.

Bill G-0-12 passed its first reading with Mr. Kochert, Mrs. Crump, Mr. Messer, Mr. Seabrook and Mr. Gahan voting aye; and Mr. Coffey, Mr. Schmidt, Mr. Price and Mr. Blevins voting nay.

G-06-13 An Ordinance Amending Ordinance No. G-02-17

Mr. Seabrook introduced G-06-13 and motioned for the first reading by title only, Mr. Messer second,

Mr. Fifer explained that this ordinance authorizes the restructuring of the SRF bonds.

Bill G-06-13 passed its first reading with Mr. Kochert, Mrs. Crump, Mr. Messer, Mr. Seabrook and Mr. Gahan voting aye; and Mr. Coffey, Mr. Schmidt, Mr. Price and Mr. Blevins voting nay.

G-06-14 Ordinance Concerning the Refunding by the City
Of New Albany of Certain Outstanding sewage works
Revenue bonds; authorizing the issuance of certain
Sewage works refunding revenue bonds for such
Purpose; authorizing the issuance of sewage works revenue
bonds for the purpose of providing funds to pay the cost
of certain additions, extensions and improvements to the
municipal sewage works of said City; providing for the
collection, segregation and distribution of the revenues
of the sewage works and the safeguarding of the interests

of the owners of the sewage works revenue and refunding
revenue bond; other matters connected therewith; and repealing
ordinances inconsistent herewith

**Mr. Seabrook introduced G-06-14 and motioned for the first reading by title only,
Mr. Crump second.**

Mr. Fifer explained this is the authorization of the BAN monies and that if they find
enough money in other places this can be eliminated.

**Bill G-06-14 passed the first reading with Mr. Kochert, Mrs. Crump, Mr. Messer,
Mr. Seabrook and Mr. Gahan voting aye; and Mr. Coffey, Mr. Schmidt, Mr. Price
and Mr. Blevins voting nay.**

**There will be a workshop on Wednesday, August 16 at 6:00 p.m. to discuss ways to
lower the sewer rate increase and a public hearing will be Wednesday 23rd for bills
G-06-12, G-06-13 and G-06-14.**

Mr. Gahan asked Kay Garry about a date for the budget hearing.

**After a lengthy discussion it was decided to hold the budget meeting on Tuesday,
August 15 at 6:00 p.m.**

There being no further business before the council, the meeting adjourned at 10:39 p.m.

Jeff Gahan, President
Common Council, City of New Albany

ATTEST:_____
Marcey Wisman, City Clerk